IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 6TH JULY 2007 / 15TH ASHADHA 1929

WP(C).No. 20910 of 2007(L)

PETITIONERS:

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1. M.A.MOHAMMED MOOPPAN,
   S/O AHAMED KUTTY MOOPPAN,
   P.O.KUTTIPPURAM, TIRUR TALUK,
   MALAPPURAM DISTRICT.

2. PALLIMANJAYIL FATHIMA,
   W/O M.A.MOHAMMED MOOPPAN,
   P.O.KUTTIPPURAM, TIRUR TALUK,
   MALAPPURAM DISTRICT.

BY ADV. SRI.T.KRISHNAN UNNI

RESPONDENTS:

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1. THE DISTRICT COLLECTOR,
   MALAPPURAM.

2. ADDITIONAL TAHSILDAR,
   TIRUR TALUK, TIRUR.

BY GOVT. PLEADER SRI.I.V.PRAMOD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

WP(C) NO. 20910 OF 2007 - L

Dated this the 6th day of July, 2007

J U D G M E N T

The petitioners challenge Ext.P3 notice issued under the Kerala Land Conservancy Act directing them to show cause why they should not be evicted from the property mentioned in Ext.P3. The petitioners apprehend that they would be evicted without affording an opportunity of being heard to them.

2. I do not think that a responsible Officer that the second respondent is, he would do so in violation of the principles of natural justice and in violation of the Kerala Land Conservancy Act and Rules. Law requires that orders under the Act has to be passed after giving the petitioners an opportunity of being heard and to adduce evidence also, without which the petitioners cannot be evicted from the property, that too only after serving a copy of a reasoned order considering the contentions of the petitioners on the basis of evidence to be adduced by the petitioners. That being so, I cannot assume that the

second respondent would pass orders and evict them in violation of the said established principles.

The writ petition is disposed of with the above observations.

S. SIRI JAGAN,
Judge

Mbs/

S.SIRI JAGAN, J

W.P.(C) NO. OF 2001

J U D G M E N T

DATED:01-06-2007